

Exhibit 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TIMOTHY S. MOHER,

Plaintiff,

No.: 2:10-cv-57

v.

Hon. R. Allan Edgar
U.S. District Judge

UNITED STATES OF AMERICA,

Defendant.

**DECLARATION OF SHAWN WILSON,
ASSISTANT PATROL AGENT IN CHARGE**

In accordance with 28 U.S.C. § 1746, I, Shawn Wilson, make the following declaration:

1. I am an Assistant Patrol Agent in Charge, with the United States Department of Homeland Security (DHS), United States Customs and Border Protection (CBP). At the times relevant to the complaint, I was the Acting Patrol Agent in Charge of the Sault Sainte Marie Border Patrol Station. Pursuant to my duties, I am familiar with Sugar Island and immigration activity that occurs near and on Sugar Island and the St. Mary's River. I am also familiar with the Plaintiff in this matter.
2. This declaration is based upon my personal knowledge, information obtained from other individuals employed by DHS and CBP, as well as information obtained from records maintained by DHS and CBP.
3. Sugar Island is located in the St. Mary's River. The St. Mary's River is a waterway which marks the international boundary between the United States and Canada. Sugar Island is within 25 miles of that international border.

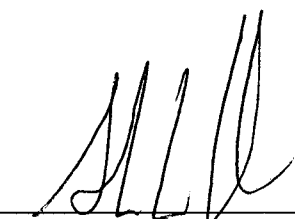
4. Sugar Island is known for illegal immigration activity, including the illegal entry of aliens into the United States and illegal drug trafficking activity. The island has established trails that lead directly to access points from Canada.

5. Plaintiff's property is located on northern Sugar Island. His property is within one half mile from the St. Mary's River shoreline and less than two miles from Canada.

6. Border Patrol Agents Will Young and Matthew Cain were assigned to patrol Sugar Island on September 28, 2008, to patrol for illegal immigration activity.

I declare under penalty of perjury that the above is true and correct to the best of my information, knowledge, and belief and based upon records maintained in the ordinary course of business.

Executed on August 6, 2010.



SHAWN WILSON
Assistant Patrol Agent in Charge
U.S. Department of Homeland Security
U.S. Customs and Border Protection